IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.493 OF 2006

IN

SUMMARY SUIT NO.2924 OF 2004

...

Shri Chelaram Basumal Lungani ...Plaintiff

v/s.

M/s.Synthetic Dyestuff (India)

Corporation & Ors. ...Defendants

...

Ms.Mamta Shah i/b G.V.Murti for the Plaintiff.

None for the Defendants.

CORAM: D.K.DESHMUKH, J.

DATED: 10TH JANUARY,2007

P.C.:

1. The learned Counsel for the Plaintiff states that the Plaintiff deletes the names of Defendants Nos.3,

4 & 5.

2. According to the Plaintiff, Defendant No.2- Shri Shivratan M. Chhabaria along with Shri Omprakash were the partners of the Defendant No.1 partnership-firm. It was a unregistered firm. On behalf of the firm a loan of Rs.1 lakh was incurred by the Defendant No.2. A document is produced with the plaint. Omprakash has expired. According to the Plaintiff, as Omprakash and Defendant No.2 were carrying on business in partnership and loan was taken for Defendant No.1-partnership firm, Defendant No.2 is jointly liable with Omprakash and he is also severally liable.

3. Defendant No.2 has been served with the summons for judgment. He has not applied for leave to defend within the period laid down by Order 37 of CPC, therefore, the Plaintiff is entitled to judgment.

4. I have heard the learned Counsel for the Plaintiff. Perused the record. Summons for judgment is granted. The suit of the Plaintiff is decreed in terms of prayer clauses (a) & (b) only against Defendants Nos.1 & 2. Refund of court fees as per

rules.

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